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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,815	09/24/2003	Donald V. Edwards	SIM 03389	5186

7590 12/15/2004

JAMES RAY & ASSOCIATES  
2640 PITCAIRN ROAD  
MONROEVILLE, PA 15146

EXAMINER

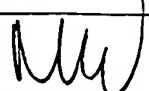
MAH, CHUCK Y

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/669,815	<b>Applicant(s)</b> EDWARDS, DONALD V.	
	<b>Examiner</b> Chuck Mah	<b>Art Unit</b> 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-8, 13-15 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 4, lines 7-9, "said first aperture" and "said second aperture" lack proper antecedent basis.

In claim 6, lines 3-8, "secured to one of said at least one strap like member and said first one of said pair of strap like members" is confusing. The claim suggests that there are three strap members. In fact claim 4 suggests that the embodiment as claimed has only two members (a pair).

In claim 7, "hoop and loop" should be --hook and loop--.

In claim 8, it is not clear what is being "adjustable".

In claim 13, line 4, "said front end" is not understood.

In claim 19, line 5, "said front end" is not understood.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 9-10, 12, 16, 18 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Koblick (4,004,355). Note that the bottom junction between the base 16 and rear 18 is "convex" in a transverse direction. Intended use is given no patentable weight.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koblick '355.

'355 does not show a pair of separate strap members respectively attached to the apertures or a third strap for engaging the heel. '355 teaches a securing strap for the feet and a strap for the heel formed by a single-piece member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the retaining strap (14) of '355 into two separate pieces respectively attached to the apertures, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

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As to the specific arrangement of the straps (claim 6), it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the third heel securing strap to the feet securing straps, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koblick '355 in view of Leighton et al. (5,398,957).

'355 does not show a hook and loop fastener. '957 teaches an adjustable securing means formed of hook and loop fastener and recognizes the fastener and the buckles are mechanical equivalents. It would have been obvious to one of ordinary skill in the art to substitute one for the other. *In re Fout* 675 F.2d 297, 301, 213, USPQ 532, 536 (CCPA 1982).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koblick '355 in view of Edwards et al. (6,206,424).

'355 does not show a non-slip surface. '424 teaches a slide having non-slip engagement (21) to provide an adhesion to a foot. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the slide of '355 with a non-slip surface as taught by '424 to provide an adhesion to a foot.

9. Claims 13-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koblick '355 in view of Lancon (6,401,367).

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'355 does not show forming sawteeth on a forward portion. '367 teaches forming sawtooth ribs (3, 3a, 3b) to ensure a good progressiveness between the gliding function on the front and the retaining function on the rear. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the forward portion of '355 with sawtooth ribs as taught by '367 to ensure a good progressiveness.

### ***Conclusion***

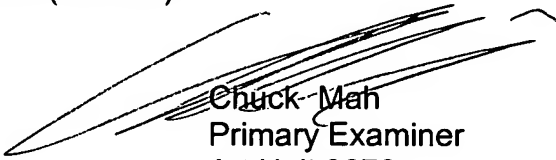
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (703) 308-0676. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah  
Primary Examiner  
Art Unit 3676

CM